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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,729	12/11/2000	Katsuei Tanabe	2000-1686A	2321

7590 11/20/2002

WENDEROTH, LIND & PONACK, L.L.P.
Suite 800
2033 K Street, N.W.
Washington, DC 20006

EXAMINER

MEREK, JOSEPH C

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,729

Applicant(s)

TANABE ET AL.

Examiner

Joseph C. Merek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-14, 16-19, 21, 22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 10, 15, 20 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 06 September 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because Fig. 6 shows the protrusions 8 and the specification states that the sleeve is held on the body of the container without using any protrusions. The drawing is not consistent with the specification.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the at least one protrusion comprises a continuous ring in a plane that is perpendicular to an axis of the container body" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The substitute specification filed 9/6/02 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: "quickly" on page 6, line 36. The pervious term "fast" could mean that is it held in place. The

substitute specification will not be entered due to the new mater. It is suggested that the term "fast on" be replaced "onto". A new substitute specification will be required.

The disclosure is objected to because of the following informalities: the specification on page 6 and 7 describes Fig. 6 as an alternative embodiment of the invention. In this embodiment the specification states that the sleeve is held on the body without any protrusions. However, Fig. 6 shows the protrusions. The specification is not consistent with Fig. 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 16-19, 21, 22, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Zeman. Regarding claim 8, see Figs. 1-3. The shell 14 is capable of being received on the pot as claimed. Regarding claims 16, 21, and 24, see Fig. 1, where the end 20 is spaced from 26. Regarding claims 17, 22, and 25, the ridge 18 is below the middle of container 12 and therefore meets the limitations. Regarding claim 18, the protrusion is annular. Regarding claim 19, see Col. 2, lines 41-54 where the ridge 18 can be discontinuous in nature.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeman in view of Sequin. Regarding claim 9, Zeman teaches the claimed structure but does not teach the lid for hermetically sealing the cup. Sequin, as seen in Fig. 2, teaches a lid for a container that is similar to Zeman. It would have been obvious to employ the lid of Sequin in the container of Zeman to retain the contents in the cup as taught by Sequin. Regarding claim 11, see Fig. 1 of Zeman, where the end 20 is spaced from 26. Regarding claims 12, see Fig. 1 of Zeman, where the ridge 18 is below the middle of container 12 and therefore meets the limitation. Regarding claim 13, see Fig. 1 of Zeman, the protrusion is annular. Regarding claim 14, see Zeman in Col. 2, lines 41-54 where the ridge 18 can be discontinuous in nature.

Claims 8, 16-19, 21, 22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer in view of Zeman. Regarding claim 1, Zimmer does not teach the protrusion on the cup to retain the sleeve. Zeman teaches a similar structure where the sleeve is held on the cup by a protrusion on the cup. It would have been obvious to employ the protrusion of Zeman in the cup of Zimmer to provide a snap lock as taught by Zeman or so that the sleeve could be removeably attached to the cup as taught by Zeman. Regarding claims 16, 21, and 24, see Fig. 1 of Zeman, where the

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end 20 is spaced from 26. Regarding claims 17, 22, and 25, see Fig. 1 of Zeman , where the ridge 18 is below the middle of container 12 and therefore meets the limitations. Regarding claim 18, see Fig. 1 of Zeman, where the protrusion is annular. Regarding claim 19, see Zeman in Col. 2, lines 41-54 where the ridge 18 can be discontinuous in nature.

Claims 9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmer in view of Zeman as applied to claim 8 above, and further in view of Sequin. Regarding claim 9, the modified container of Zimmer does not teach the lid. Sequin teaches a lid for sealing a cup. It would have been obvious to employ the lid of Sequin in the modified cup of Zimmer to protect the contents. Regarding claim 11, see Fig. 1 of Zeman, where the end 20 is spaced from 26. Regarding claims 12, see Fig. 1 of Zeman, where the ridge 18 is below the middle of container 12 and therefore meets the limitation. Regarding claim 13, see Fig. 1 of Zeman, the protrusion is annular. Regarding claim 14, see Zeman in Col. 2, lines 41-54 where the ridge 18 can be discontinuous in nature.

Response to Arguments

Applicant's arguments with respect to claims 8-25 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 10, 15, 20, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beshara, Jr. is cited for teaching a light adhesive that is peelable.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

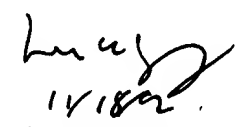
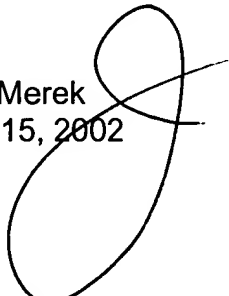
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C. Merek whose telephone number is (703) 305-0644. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Joseph C. Merek
November 15, 2002



LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700